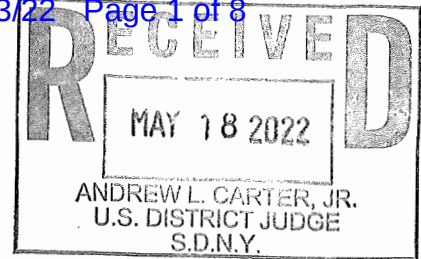


USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 5/23/22



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X

PABLO GARCIA,

Petitioner,

MOTION FOR EXTENSION
OF TIME AND/OR STAY
AND ABEYANCE

-against-

21 Civ. 07879 (ALC)

J. COLLADO, Superintendent,
Shawangunk Correctional Facility,
Respondent.
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 5-19-22

COMES NOW Petitioner, Pablo Garcia, respectfully requests
for this Court to grant him an extension and/ or Stay and
Abeyance to file a reply to the Respondent's Declaration in
Opposition and/ or amend petitioner's habeas corpus petition.
In support of this request, Petitioner states as follows:

MEMO ENDORSED

1. Respondent's response of a Declaration in Opposition was
filed on or about December 16, 2021.

2. Petitioner respectfully requests an extension because
Petitioner is still awaiting the judgment on his writ of Error
Coram Nobis in the State Court; in which, after four extensions
that has been provided to the District Attorney, the District
Attorney filed their response on April 11, 2022 (copies of
letters enclosed). Therefore, the State Court has not yet made
their verdict on the writ of error coram nobis, OR

3. Petitioner respectfully requests a Stay and Abeyance
not only in anticipation of the judgment for the coram nobis,
in which Petitioner just recieved the response on April 11th;
but also because Petitioner has unexhausted claims in the State
Court including an "ineffective assistance of trial counsel" and
an "Actual Innocence" claim that will be implemented in a 440-

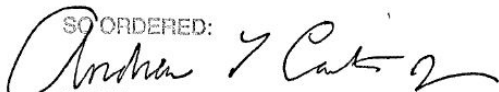
motion that petitioner's counsels are filing with the State Court.

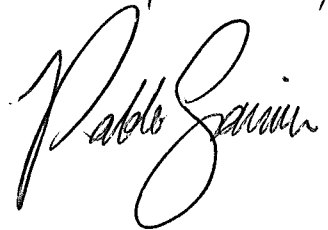
4. Petitioner respectfully requests this extension, as this is Petitioner's second request for an extension.

For the foregoing, Petitioner prays this Court grants the requested relief. He further prays for any other and further relief which the Court may deem just and proper under the circumstances.

The Court STAYS Petitioner's reply pending Respondent's consent to the requested relief. No later than May 27, 2022, Respondent shall inform the Court whether Respondent consents.

The Clerk of Court is respectfully directed to serve a copy of this order upon pro se Plaintiff.

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

RESPECTFULLY SUBMITTED,


5/23/22

AFFIDAVIT OF SERVICE

State of New York }
County of Ulster } ss.:

I, Pablo Garcia, first being duly sworn, deposes and says that on the 5th day of May, 2022, I did in fact give the attached **motion for extension of time and/ or stay and abeyance** to an officer at Shawangunk Correctional Facility to be duly carried to the following parties:

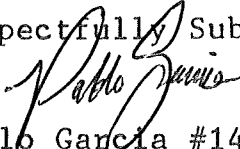
ORIGINAL AND COPY TO

United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, New York 10007


COPY TO

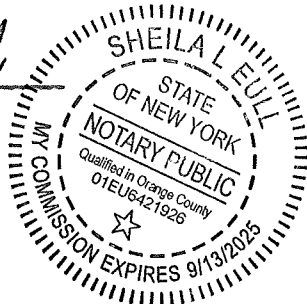
Rafael A. Curbelo/
Matthew B. White
Assistant District Attorneys
198 East 161st Street
Bronx, New York 10451

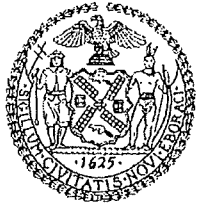
Respectfully Submitted,


Pablo Garcia #14A1473
Shawangunk Corr. Facility
P.O. Box 700
Wallkill, NY 12589
Petitioner

Sworn to Before Me This
16 day of May 2022


Notary





OFFICE OF THE DISTRICT ATTORNEY, Bronx County

DARCEL D. CLARK
District Attorney

198 East 161st Street
Bronx New York 10451

(718) 838-6057
(718) 590-6523

November 30, 2021

The Motion Clerk of the Court
Supreme Court of the State of New York
Appellate Division - First Department
27 Madison Avenue
New York, New York 10010

Re: People v. Pablo Garcia
Indictment Number: 2650/2009

Your Honor:

I am the Assistant District Attorney assigned to respond to the above-referenced defendant's *pro se* petition for a writ of error *coram nobis*. Currently, the return date is scheduled for December 6, 2021.

Due to the upcoming holidays and my current workload, which includes responses to two direct appeals in this Court, another *coram nobis* application, and two CPL § 440.10 motions, I am unable to respond to defendant's motion by the return date. Further, I have requested, but not yet received, the trial folder, which is needed to adequately respond to defendant's motion. Accordingly, I am respectfully requesting an extension of time to February 7, 2021. This is my second request for an extension.

Respectfully submitted,

5/5
Shera Knight
Assistant District Attorney

cc: (by mail)
Pablo Garcia
DIN #14A1473
Shawangunk Correctional Facility
200 Quick Road
P.O. Box 700
Wallkill, NY 12589



OFFICE OF THE DISTRICT ATTORNEY, Bronx County

DARCEL D. CLARK
District Attorney

198 East 161st Street
Bronx New York 10451

(718) 838-6057
(718) 590-6523

December 1, 2021

Pablo Garcia
DIN #14A1473
Shawangunk Correctional Facility
200 Quick Road
P.O. Box 700
Wallkill, NY 12589

Re: People v. Pablo Garcia
Indictment Number: 2650/2009

Dear Mr. Garcia:

I write to inform you that the Court has granted the People's second request for an extension of our time to respond to your *pro se* petition for a writ of error *coram nobis*. As such, the previous return date of December 6, 2021, has been extended to February 7, 2022.

Respectfully submitted,

S/S

Shera Knight
Assistant District Attorney

cc: (by email)
The Motion Clerk of the Court
Supreme Court of the State of New York
Appellate Division - First Department



OFFICE OF THE DISTRICT ATTORNEY, Bronx County

DARCEL D. CLARK
District Attorney

198 East 161st Street
Bronx New York 10451

(718) 838-6057
(718) 590-6523

January 28, 2022

Pablo Garcia
DIN #14A1473
Shawangunk Correctional Facility
200 Quick Road
P.O. Box 700
Wallkill, NY 12589

Re: People v. Pablo Garcia
Indictment Number: 2650/2009

Dear Mr. Garcia:

I write to inform you that the Court has granted the People's second request for an extension of our time to respond to your *pro se* petition for a writ of error *coram nobis*. As such, the previous return date of February 7, 2022, has been extended to April 4, 2022.

Respectfully submitted,

S/S
Shera Knight
Assistant District Attorney

cc: (by email)
The Motion Clerk of the Court
Supreme Court of the State of New York
Appellate Division - First Department



OFFICE OF THE DISTRICT ATTORNEY, Bronx County

DARCEL D. CLARK
District Attorney

198 East 161st Street
Bronx New York 10451

(718) 838-6057
(718) 590-6523

April 4, 2022

The Motion Clerk of the Court
Supreme Court of the State of New York
Appellate Division - First Department
27 Madison Avenue
New York, New York 10010

Re: People v. Pablo Garcia
Indictment Number: 2650/2009

Your Honor:

I am the Assistant District Attorney assigned to respond to the above-referenced defendant's *pro se* petition for a writ of error *coram nobis*. Currently, the return date is scheduled for April 4, 2022.

I filed my opposition today, but unfortunately, I was unaware that it had to be filed by 10:00 a.m. Accordingly, I am respectfully requesting a one-week extension of time to April 11, 2022.

Respectfully submitted,

S/S
Shera Knight
Assistant District Attorney

cc: (by mail)
Pablo Garcia
DIN #14A1473
Shawangunk Correctional Facility
200 Quick Road
P.O. Box 700
Wallkill, NY 12589



OFFICE OF THE DISTRICT ATTORNEY, Bronx County

DARCEL D. CLARK
District Attorney

198 East 161st Street
Bronx New York 10451

(718) 838-6057
(718) 590-6523

April 6, 2022

Pablo Garcia
DIN #14A1473
Shawangunk Correctional Facility
200 Quick Road
P.O. Box 700
Wallkill, NY 12589

Re: People v. Pablo Garcia
Indictment Number: 2650/2009

Dear Mr. Garcia:

I write to inform you that the Court has granted the People's request for an extension of our time to respond to your *pro se* petition for a writ of error *coram nobis*. As such, the previous return date of April 4, 2022, has been extended to April 11, 2022.

Respectfully submitted,

S/S

Shera Knight
Assistant District Attorney

cc: (by email)
The Motion Clerk of the Court
Supreme Court of the State of New York
Appellate Division - First Department